

FEEDBACK FROM CITY OFFICIALS, Government Representatives

City Court Clerk

Collections -- citations: city loses 50% of revenues because of statute of limitations of 1 year. Add more time (more than 1 year), or have item put on docket after 90 days no payment. Section 2-12-2

Payment of court costs: 30 days to pay - after that, no recourse if not paid except to send a notice card - if non-moving violation, 1 year statute. If moving violation, after 1 year license can be revoked.

Signature required for moving violation - if wireless tools used, is electronic signature ok? and also fingerprint should be required? Issues with keeping identities 'clean' and not confused with any other identity.

Define classes of offenses that do not need court appearances.

Tom Marshall, as representative of the City Council

Roles and Responsibilities are vague in current charter - problem with nomenclature more than intent. Issues with discerning authority, roles and responsibilities - needs clarification

Custodians of trust that information received is accurate - no mechanism to verify information received (no staff) - possibly strong liaison between Council and Administration -- Pension plan is a valid example: wasn't written by council, was written by administration

Where authority lies - word "solely" (regarding contractual authority) is NOT in the charter. Powers of mayor vs. powers of council is issue, needs to be more clearly defined. Otherwise, believes part-time council works. Council SHOULD have contractual authority, not just mayor. Example: pension fund - council was told they had no power of contract so no council member could be on the pension board. Need, at the least, to see the final 'contract' before it is sealed. Details of power of contracts for council members should be clearly defined to mitigate conflict of interest.

The City Council member have become the Custodians of trust that information received is accurate - no mechanism to verify information received (no staff) -- need strong liaison between Council and Administration -- Pension plan is a valid example: wasn't written by council, was written by administration

Powers of the Mayor and powers of the Council are interfering with common sense policies. Those powers need to be clearly defined.

The City Council should have the power to approve all contracts.

Judges – requests / recommendations

Rotation of administrative judge (currently, no provision for rotation)

City reps Feedback

Creation of 4th division of city courts -- courts have not grown with the city. Charter calls for 2 session of court - increase sessions, possibly a night court or satellite court, possibly judicial commissioners, change in times of court sessions

Should charter at least have provisions for city growth to manage city court? Add divisions? Have always been 3 city judges

Does the charter specify number of city judges? Yes - it defines 3 divisions. Research needed to determine a 'formula' for authorizing flexibility of growth for city court sessions?

Judicial commissioner - can continue sessions past the 'regular' court time

Security - need authority to hire and/or make decisions regarding staff for security for the courts when in session (when judge believes court is not secure, can 'close court'). Police dept currently manages the security staff. Should have 2 bailiffs per court - need more police and/or privat

Number of sessions and/or courts need to be increased - and number of judges. So many people have to appear on a given court date that they may be pleading guilty so that they don't have to wait or have to come back to court again. Wait is too long - people have to get back to work, get to their children, etc

Need limitations on size of dockets

Steve Mulroy and Lou Geater (County Commissioner, County Legislative Research Analyst)

A suggestion for your consideration—specifically, the use of “Instant Runoff Voting,” or IRV, for mayoral elections.

In a normal runoff system, if no mayoral candidate received more than 50% of the vote, the top two vote-getters would face each other in a runoff election. In decades past, this had the unfortunate effect of diluting African-American voting strength and was thus discriminatory. Indeed, I sued local governments over precisely this issue as a civil rights lawyer for the Voting Section of the U.S. Justice Dept. Now that Memphis is a majority African-American City, however, this is not a concern.

IRV would allow the voters to rank their mayoral preferences, marking a “1,” “2”, or “3” next to their first, second, third, etc. preference. If no single candidate received more than 50% of the vote, the vote counting would then eliminate the candidate with the least amount of first-place votes and transfer votes based on those voters' second-place choices. These rounds of voting would continue until someone received a majority of the vote and would then be declared the winner.

IRV has been used successfully around the world and at the local level in localities around the U.S. Inexpensive software programs can do the vote-transfers necessary to calculate the winner quickly, so it would not delay the counting of votes.

IRV has several advantages:

City reps Feedback

(1) It eliminates the need for costly runoff elections, saving tax dollars.

(2) It ensures that the person elected receives support of some kind (either first or second place support, usually) from a majority of voters, causing the election of consensus candidates.

(3) In doing so, it eliminates the possibility that divisive candidates, or "fringe" candidates, or candidates intensely disliked by a majority of the voters, can squeak to a narrow victory with vote percentages in the 20s or 30s, due to a small but determined minority of voters.

(4) It eliminates the voter's dilemma of preferring a lesser-known candidate but being afraid that support for their first choice would be "throwing away their vote." Thus, a voter could vote "1" for Ralph Nader, "2" for Al Gore, and "3" for George Bush, without fear that supporting Nader would throw the election to an intensely disliked opponent. This opens up the process to third-party candidates, or candidates with less financial resources or name recognition.

(5) By doing the above, it encourages voter participation, makes it less likely to feel that their vote doesn't matter, and thus increases voter turnout.

I (Lou) would appreciate the opportunity to speak to you about this matter. I will also be sending you some written material about it. I would also appreciate the chance to speak to the Commission about this at an upcoming public meeting. In the meantime, I am happy to answer questions about it. I can be reached at 678-4494 or 603-8779. Thanks in advance for your consideration.

For MORE feedback on IRV, refer to documents on the "Citizen Feedback" page of the Memphis Charter Commission website. There are 2 documents on the right side of that page (a "for" and an "against" perspective), and there are 3 documents in the list of feedback documents (center of the page) from Steve Mulroy and Smart City Memphis (Commissioners should have copies of those 3 documents)

Carol Chumney

Ms. Chumney proposes that the city Charter be amended to provide for a special election within sixty (60) days of the resignation of the Mayor. The public deserves the right to elect their Mayor and not be the victim of skullduggery or backroom deals to circumvent the democratic process.

Please refer to the document from Carol that is posted on the "Citizen Feedback" page on the Charter Commission website (Commissioners should have copies of that document).

Shelby County Election Commission, represented by Chairperson Myra Stiles

1. Staggered terms for City Council
2. Realign the municipal election schedule with the November general election
3. Remove the requirement for filing fees, OR
4. Set up a procedure for the fees to be collected by the city, with the candidate required to present proof of payment when the petition is filed with the election commission

City reps Feedback

5. Clarify the residence requirement of five years: Who determines whether a candidate has met the requirement and how is it determined (how is it documented)?
6. Provide for runoffs in elections for all city offices or eliminate runoffs in district Council elections (NOTE: 1991 court case ruled that runoffs are not allowed for the office of Mayor and "at large" City Council positions.)
7. If runoffs are held, clarify the timing of runoff elections
8. Require the appointment of outside counsel on questions regarding municipal elections rather than using the services of the city attorney (is it a "conflict of interest" if the city attorney represents the city when it involves issues with election of city officials?)